



May 2009 Planning Commission Meeting Minutes

June 30, 2009

DATE: 4 August 2009

APPROVED BY: *ju3*

LAKE COUNTY PLANNING COMMISSION MEETING OF JUNE 30, 2009

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice-Chair Pesec called the meeting to order at 7:04 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Klco (alt. for Troy), Morse, Schaedlich, Smith (alt. for Sines), Zondag and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Myers.

MINUTES

May 26, 2009 Regular Meeting

Mr. Schaedlich moved and Mr. Brotzman seconded the motion to approve the May 26, 2009 minutes as submitted.

All voted "Aye".

Mr. Adams noted in the first sentence on Page 4 the word "was" had been used twice and one needed to be deleted.

June 18, 2009 Special Meeting

Mr. Adams said the first sentence under the subdivision showed a site plan date as October 7, 2009, which should be changed to 2008.

Mr. Morse moved to approve the June 18, 2009 special meeting minutes with the one correction stated above. Mr. Schaedlich seconded the motion.

Six voted "Aye".
Three members abstained.

FINANCIAL REPORT

Ms. Hausch moved to approve the financial statement of May, 2009 and Mr. Schaedlich seconded the motion.

All voted "Aye".

LEGAL REPORT

Mr. Eric Condon, Assistant Prosecutor, stated that he and an intern had been conducting a review on the Planning Commission employee handbook. The handbook should be ready to give to Mr. Boyd so there will be time for the Commission members to review it before next month's meeting.

DIRECTOR'S REPORT

Concord Township - Potential Violation of Platting Procedures of the Lake County, Ohio Subdivision Regulations

An affidavit had been signed by this Commission at the special meeting on June 18, 2009 to protect potential purchasers of a condominium project in Concord Township at the Lake County Prosecutor's Office recommendation. The Lake County Auditor recorded it as a subdivision, the Surveyor's Certification called it a condominium and the declaration was filed as a planned unit development. No signatures had been procured from the Planning Commission. No parcels had transferred and Mr. Boyd noted that after the Prescott-Mills LLC and Gabriel's Edge LLC developer reviewed this with his counsel, they determined they had made a mistake with Concord Township and would be pursuing corrective measures.

Mr. Darrell C. Webster has been officially appointed by the Commissioners as Mr. Brotzman's alternate on the Board.

ANNOUNCEMENT

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Crossroads at Summerwood Preliminary Plan Extension

Mr. Radachy introduced the subdivision review of the Crossroads at Summerwood preliminary plan extension request in Concord Township. The subdivision consisted of 133 lots on 137 acres with its original preliminary plan being approved in June 2005. A one-year extension was approved by this Board in May of 2008. Thomas and Doreen Riebe, Co-Trustees of the Riebe Living Trust requested a two-year extension. Staff recommended a one-year extension keeping consistent with extensions given to others in the past.

The Lake County Soil and Water Conservation District (LCSWCD), Lake County Engineer, Lake County Utilities Department and Concord Township Trustees commented that they had no issues with the extension. LCSWCD stated a reference to general comments of their February 18, 2005

preliminary plan review. The Lake County Utilities stated all future phases shall be subject to their approval process and recommended an extension of six months to one year maximum.

Mr. Schaedlich moved to approve the request for a 12 month extension to the Crossroads at Summerwood subdivision preliminary plan in Concord Township. Mr. Adams seconded the motion.

All voted "Aye".

Subdivision Activity Report

Mr. Radachy reported that we are starting to get some information requests on the Cambden Creek Subdivision for the final plat was approved by this body in April, 2009. No new subdivisions have been recorded. Nothing has been submitted.

LAND USE AND ZONING REVIEW

Madison Township – Proposed Text Amendment to Section 126

Mr. Radachy stated that Madison Township was adding the "S-1 District" requiring a site plan to be submitted for review and Land Use and Zoning recommended acceptance of this change.

Mr. Schaedlich moved to recommend acceptance of adding the S-1 District to Section 126. Ms. Hausch seconded the motion.

All voted "Aye".

Perry Township – Proposed Text Amendments and Reorganization of the Zoning Resolution

Mr. Boyd explained to the members that the Perry Township proposed amendments were actually a complete rewrite/re-organization of their zoning ordinance received in May, 2009. These were not included in the member's packets because of the magnitude of the amount of copying and mailing costs of about 300 pages for each of 26 people and agencies. He stated Mr. Radachy had to do a page-by-page comparison involving a lot of staff time because the revisions they made were not indicated in the Township's submittal of the proposed new code and the staff had not been asked to be part of the revision process. Section summaries were submitted pointing out some issues detected by Mr. Radachy. Mr. Boyd had sent a note to all the townships asking them to please indicate in some manner where the changes have been made in all submittals in the future.

Mr. Schaedlich preferred to go along with the Land Use and Zoning Committee and staff's recommendations because of the quantity of changes and time availability. Mr. Morse agreed with Mr. Schaedlich expressing his concern on the quantity of changes and appreciated the quantity of staff's time needed to review the submitted code. The Land Use and Zoning Committee had only suggested a few more changes to staff's report in their meeting.

For the record, Mr. Radachy stated there were 53 new sections added to the code, 29 revised sections, 21 were moved under a new number, 27 were deleted and seven were completely replaced with new sections. They added 10 new definitions and deleted four. One of the major issues with this code was that they were not consistent in the language used. The following were the concerns found in Sections 100 through 700:

AMENDMENT SUMMARY SECTION 100

1. Section 100.01: Current section 101.01, Resolution has been moved to section 100.01, resolution and title. "This resolution shall be known as the Perry Township Zoning Resolution" has to be added to the resolution as part of section 100.01"
2. Current section 101.02, Purpose, has been moved to section 100.02, Purpose. This states that Perry has zoning to promote public health and safety and they have the right to as per the ORC.
3. Section 100.03 Effective Date, is a new section. This states when the proposed language becomes law.
4. Section 100.04 Interpretation, is a revision of current section 201.01, Minimum Requirement. This section states that minimum interpretations shall be based on health and safety.
5. Section 100.05, Repealer, is a new section. It repeals the current resolution, adopted July 19, 1955, and all amendments afterward and makes the proposed zoning resolution the Township Zoning Resolution.
6. Section 100.06, Validity and Separability is the current section 203, Validity. This allows one section to be repealed from the resolution without repealing the whole resolution.
7. Section 100.07, Interpretation of District Boundaries is a new section. This defines where the borders between districts and defines public rights-of-way to be unzoned, unless they are vacated.
8. Section 100.08 Rules of Construction – defines terms such as building, use, and that all terms in present tense will also include the future tense.
9. Section 100.09, Enforcement is a new section. It gives the zoning inspector legal remedies to take action on violations.
10. Section 100.10 A, of the Violations Section, is the first paragraph of current Section 210.01. It requires that all uses and structures be in conformance with the zoning resolution.
11. Section 100.10 B, of the Violations Section, is a new section. It requires a zoning permit to be issued prior to starting a new use, structure or addition, etc.
12. Section 100.11 A, of the Penalties Section is a new section. Establishes that violating this zoning resolution could become a misdemeanor.
13. Section 100.11 B, of the Penalties Section is current Section 210.02, Remedies. This section allows the Township Trustees and Zoning Inspector, the County Prosecutor, and adjacent property owners to seek legal remedies such as injunction, etc., to take legal action.

Language Removed

1. The following language was removed from the zoning text, it was part of Section 101.01:
2. WHEREAS, the Board of Trustees of Perry Township deems it in the interest of the public health, safety, morals, comfort or general welfare of said Township and its residents to establish a general plan of zoning for the unincorporated area of said Township.

- a. NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Perry Township:
3. The second paragraph of section 210.01 was not moved to section 100 and it was removed from the text. That language is "Any person, firm or corporation violating this resolution or any regulation, provision or amendment hereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense."

STAFF RECOMMENDATION

1. There is no mention of amendments in section 100.03, Effective Date. The Zoning Commission should consider adding language such as "This Zoning Resolution and any Amendments to it shall become effective..."
2. In Section 100.07, the regulations allow lot lines to be boundaries of zoning districts. There is no definition of lot line, one should be created.
3. In Section 100.07, the regulations allow natural boundaries to be boundaries of zoning districts. Natural features such as streams and rivers will move. Staff recommends not using them to be boundaries for zoning districts.
4. Township border could be used as a zoning district boundary. Staff recommends adding it to Section 100.07.

AMENDMENT SUMMARY SECTION 200

1. Appointment and duties of the Zoning Inspector are listed in Section 206 of the current zoning text. The proposed text will have this information in Section 201.
2. Section 201.01 is a revision of current Section 206.01. This Section creates the position of the Zoning Inspector.
3. Section 201.02, Powers and Duties, replaces Section 206.02, Duties.
4. Sections 201.02 A, a duty to receive all submissions, collect fees and review for completeness in three days, 201.02 C, a duty to maintain records of administrative and legislative proceedings, and 201.02 F, a duty to determine the existence of any violations are all new duties created by the proposed zoning resolution.
5. Sections 201.02 B, a duty to issue a zoning permit, 201.02 D, a duty to conduct inspections, and 201.02 E, a duty to maintain the Official Zoning District, are revisions of duties that were listed in Section 206.02, Duties of the current zoning resolution.
6. Section 207 of the current zoning resolution is known as Zoning Certificate. Section 202 of the proposed resolution is known as Zoning Permit. The new resolution is officially changing the name from Zoning Certificate to Zoning Permit.
7. Section 202.01, Permit Required, is a new section requiring a zoning permit to be obtained prior to building a structure, starting a use, etc.
8. Section 202.02, Application is replacing Section 207.01, Application of the current zoning resolution. It states the items needed for a complete application.

9. Section 202.03, Review and Approval is a new section stating that the Zoning Inspector has 15 days to review the application for completeness and approve, approve with modifications or conditions or deny the permit application. There was a time period of ten days for this review in Section 207.02, Compliance, in the current zoning resolution.
10. Section 202.04, Issuance and Compliance, is a new section stating the Zoning Inspector shall issue a permit if the application is approved and that all work shall be in conformance with the zoning resolution.
11. Section 202.05, Expiration of Permits, is a revision of Section 207.03 in the current resolution. The change to this regulation is that the holder of the permit has one year to start the project and two years to complete the project or the permit becomes null and void.
12. Section 202.06, Display of the Permit, is a revision of Section 207.04, Display of the Certificate. The change in the language is the name change, the permit from certificate, and the term "seen from the highway" has been changed to "seen from right-of-way".
13. Section 202.07, Revocation of Permits, is a new section that states when and how a permit can be revoked.
14. Section 203 is known as Occupancy Certificate. This is a revision of Section 208 of the current zoning resolution.
15. Section 208.01, Application, in the current zoning resolution was divided between Section 203.01, Certificate Required, and Section 203.02, Application.
16. Section 203.03, Compliance, is language that is known as Section 208.02, Compliance, of the current zoning resolution. It requires the holder of the certificate to comply with the use and conditions of the certificate.
17. Section 203.04, Violation, is language that is known as Section 208.03, Violation, in the current zoning resolution. It states the use of the property without a certificate is a violation of the zoning resolution.
18. Section 203.05, Temporary Certificate, is language that is known as Section 208.04, Temporary Certificate, in the current zoning resolution. It allows temporary use of the property or building.
19. Section 203.06, Fees, is language that is known as Section 208.05, Fees, in the current zoning resolution. This allows the Trustees to set a fee for the Occupancy Certificate.
20. Section 204 is known as Site Plan. This is a revision of Section 216, Site Plan, in the current zoning resolution.
21. Section 204.01, Purpose and Intent, is a revision of Section 216.01, Purpose and Intent. This is a purpose statement for why Perry Township needs to review site plans. Those reason include, but are not limited to, ensuring that there is proper design, efficient use of the land, promote orderly development and advance the goals and objectives of the Comprehensive Plan.
22. Section 204.02, Site Plan Required, is replacing Section 216.02, Site Plan Required, in the current zoning resolution. The new language requires a site plan to be filed for everything, except for agricultural uses. Section 216.02 only required site plans for non-residential uses.

23. Section 204.03, Preparation, is language that is known as Section 216.02, Preparation, in the current zoning resolution.
24. Site Plans are now divided into two types, Minor Site Plans (Section 204.04) and Major Site Plans (Section 204.05).
25. Section 204.04, Minor Site Plans, states that three copies need to be submitted and the information that needs to be included on the plan. This Section also states that the Zoning Inspector will approve the site plan and gives a time period of 15 days for review and approval. It also states that the property owner and other property owners affected by the site plan approval may appeal to the BZA.
26. Section 204.05, Major Site Plans, states that five copies need to be submitted and the information that needs to be included on the plan, which are the current standards listed in Section 216.04 of the current zoning resolution. This section also states that the Zoning Inspector will approve the site plan and gives a time period of 30 days for review and approval. It also allows the Zoning Inspector to seek advice from other experts and consultants. This section also allows the BZA to review and act on a conditional use or variance concurrently with a site plan review.
27. Section 204.06, Design Standards, are the standards listed in Section 216.05, Design Standards in the current zoning resolution.
28. Section 204.07, Conformance with Approved Site, is a new section that requires the applicant to follow what was submitted and approved.
29. Section 204.08, Review and Fees, is language that is known as Section 216.07, Review and Fees, in the current zoning resolution. It allows the Township to establish fees for review and to require additional review by an independent planner or engineer paid for by the applicant.
30. Section 205 is known as Zoning Commission. This is a revision of Section 204, Zoning Commission, in the current zoning resolution.
31. Section 205.01, Zoning Commission Established, is a revision of Section 204.01, Organization, in the current zoning resolution. It states that the Board will consist of five members serving five-year terms and that the terms would be staggered so that one member would be appointed or re-appointed per year. Each member shall be a resident of Perry Township.
32. Section 205.02, Alternates, is a new section. It establishes that two alternates would be appointed annually to fill in for members who cannot attend the meetings. This is done to ensure there is always a quorum.
33. Section 205.03, Vacancies, is a new section. This allows the Trustees to fill unexpired terms.
34. Section 205.04, Proceedings, is a new section. It sets up the officer positions, when they are to be called, allows the Board to make reasonable rules for procedures and conduct business, and requires the Board to keep minutes and records of the votes.
35. Section 205.05, Powers/Duties, is a replacement for Section 204.03, Duties, in the current zoning resolution. This section gives them the power or duty to prepare the zoning resolution, take action on text or district changes, initiate advisable text and district changes that are in the interest of the public, review plans for the PUDs, and exercise other powers established by the zoning resolution.

36. Section 206 is known as Board of Zoning Appeals. This is a revision of Section 209, Board of Zoning Appeals, in the current zoning resolution.
37. Section 206.01, Board of Zoning Appeals Created, is a revision of Section 209.01, Members, in current zoning resolution. It states that board will consist of five member serving five-year terms. The terms would be staggered so that one member would be appointed or re-appointed each year. Each member shall be a resident of Perry Township.
38. Section 206.02, Alternates, is a new section. It establishes that two alternates would be appointed annually to fill in for members who cannot attend the meetings. This is done to ensure there is always a quorum.
39. Section 206.03, Vacancies, is a new section. This allows the Trustees to fill unexpired terms.
40. Section 206.05, Powers and Duties, is revision of Section 209.02, Powers, of the current zoning resolution. Subsections A, B and C have had the language "By a favorable vote of three or more members, board may reverse the administrator order (A),the board may grant a variance (b), ...the board may grant the conditional use (C). References to the Conditional Use Section 500 and Conditional Uses listed in Section 300 have been added.
41. Section 206.06, Appeals, is a revision of Section 209.04, Appeals of the current text. Subsection A states who may appeal a decision, and subsection B states the time period in which an application may be filed and how to file the appeal.
42. Section 206.07, Notice, is a revision of Section 209.05, Hearings. This new section states a notice must be given ten days prior to the hearing through a newspaper of general circulation.
43. Section 206.08, Area Variances, is a revision of Section 209.06, Standards of Variances, in the current regulations. The standards presented in subsections A through H are the same standards in current regulations. Subsection i, "Whether the need for the variance was created by the Zoning Resolution or by an action or actions of the property owner;" and j, "Whether the granting of the variance will adversely affect the public health, safety, or general welfare." have been eliminated from the regulations.
44. Section 206.09, Use Variance, is a new section. It is establishing standards on how to judge a use variance.
45. Section 206.10, Issuance, is a new section. This Section states that a variance will not be granted until the Board makes the determination that variance criteria is met and granting the variance is in the spirit of the regulations.
46. Section 206.11, Supplementary Conditions and Safeguards, is a new section. It states that any violation of any conditions or safeguards put onto an appeal or variance will be deemed a violation of the zoning resolution.
47. Section 207, Compensation, is language currently known as Section 211, Compensation, in the current zoning regulations. This allows the Board of Trustees to pay members of the boards, the Zoning Inspector and the secretaries for their services.
48. Section 208, Amendments, is language known as Section 205, Amendments, of the current zoning resolution. It states how text amendments are initiated.

Language Removed

1. The Zoning Inspector's duty to inspections listed in Section 206.01 of the current regulations has been removed by these amendments. This language was not added to the new zoning text from the current zoning text. It was part of Section 206.02: The Township Trustees may assign the Township Zoning Inspector such additional duties as they deem necessary.
2. 216.05 d, Building location and placement shall be developed with consideration given to minimizing the removal of trees and changes of topography. (216.05 d is being kept, 1) and 2), listed below are being removed)
 - 1) Where located adjacent to residentially zoned property the required 100 foot set-back area shall be maintained with natural vegetation and shall have supplemental plantings to provide visual and sound attenuation.
 - 2) Where adjacent to other non-residentially zoned land, the maximum lot coverage by buildings, parking, drives, and other improvements shall be ninety percent (90%). The remaining ten percent (10%) of the site shall be landscaped with grass and plant material or retained in a natural state with vegetative cover.
3. Section 212, Prohibited Uses is being removed by these amendments.
4. The second paragraph of Section 210.01 was not moved to Section 100 and was removed from the text. That language is "Any person, firm or corporation violating this resolution or any regulation, provision or amendment hereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense."

STAFF RECOMMENDATION

1. The Zoning Inspector's duty to inspect the township periodically should remain.
2. Re-state the language that the "Zoning Inspector has 3 days to review the application" from Section 201.02 A in Section 202.03.
3. In Section 203.01, Enlarging a structure requires a zoning permit, should not be mentioned in the Occupancy Certification Section.
4. Sheds will be required to have a site plan that is drawn by a surveyor or engineer by these new rules. This will increase the cost of putting up a 10 x10 shed. Staff suggests exempting small sheds with less than 100 square feet from this rule.
5. Add Ohio EPA as an agency that approves septic systems for commercial and industrial uses in Section 204.05 B (14).
6. Cross-reference Section 203, Site Plan, and Section 204.07, Conformance with Approved Site Plans.
7. One year may be too short of term for an alternate to serve. The Township may want to consider a longer term.

8. Add that the Zoning Commission needs to take action on text amendments to their duties listed in 205.05 B.
9. The zoning resolution should consider adding language to give an assistant zoning inspector the same powers as the zoning inspector and that an assistant zoning inspector is included in Compensation Section.
10. Perry has a Joint Fire District Chief, not a township fire chief. The zoning resolution should reflect this fact.

AMENDMENT SUMMARY SECTION 300

1. Section 300, Districts, of the current regulations was divided into two sections, 300.01, Establishment of Districts and 300.02, Official Zoning Map.
2. Section 300.01, Establishment of Districts, lists all the names of the districts referenced in the zoning resolution and on the Official Zoning Map. SR, Single Family Residential District and B-1. Business and Commercial 1 District are new districts. SR is replacing R, Residential and B-1 is replacing B, Business and Commercial.
3. Section 300.02, Official Zoning Map, is a new section that states zoning districts and their boundaries are shown on the map that is considered part of the zoning resolution. This section is based on the first sentence of the last paragraph of Section 300, Districts, of the current zoning resolution.
4. Section 301.01, Purpose of Districts, is a new section. Only the Lakeshore Residential District had a purpose statement prior to this revision of the zoning resolution and its purpose statement has been moved to this section. Purpose statements for SR, ER-1, ER-2, and ER-3 have been created and added to this section.
5. Section 301.02, Permitted Uses, Conditionally Permitted Uses, and Accessory Uses, is a new section. It is taking all the uses listed in Sections 301.01, Permitted Uses (R), 302.01, Permitted Uses (ER-1), 303.01, Permitted Uses (ER-2), 304.01, Permitted Uses (ER-3), and 306.01, Permitted Uses (LSR) and putting them all together in a table format.
6. Section 301.02, Sand, Gravel and Earth Removal and Wind Turbine Energy Devices are a new conditional use to all residential districts. Recreational Camp and Bed and Breakfasts have been added to ER-2 and ER-3 as conditional uses. They were not allowed as permitted or conditional uses in these districts in the previous zoning resolution.
7. Section 301.03, Area, Setback, and Height Regulations, is a new section. It takes all the lot and building requirements in Sections 301, 302, 303, 304 and 306 of the current regulations and puts them into a table format.
8. In Section 301.03, the lot width of ER-3 is being reduced from 200 feet (Section 304.03 of the current regulations) to 150 feet. This also conflicts with Minimum Lot Width at the building setback line, which is 200 feet. Rearline and sideyard clearances of ten feet have been added for accessory buildings in the LSR District.
9. Minimum Setbacks from a Gas or Oil Well, Storage Tank or Separator Unit (Feet) is a new term for Safety Separation which is listed in Sections 301.07, 302.07, 303.07, 304.07 and 306.05 of the current resolution.

10. Section 301.04, Special Provisions Applicable to Residential, are restrictions on Rear Lots, Roadside Stands or Farm Markets, and Home Occupations that appear in Sections 301, 302, 303, 304 and 306 of the current regulations. Open Space Development restrictions also appear in this section. Those regulations are found in Section 301 of the current zoning resolution.
11. Section 302.01, Purpose of Districts, is a new section. I-1, I-2 and I-3 had a purpose statement prior to this revision of the zoning resolution. I-2 and I-3 purpose statements have been moved to this section and the I-1 purpose statement was revised and moved to this section. Purpose statements for B-1 and B-2 have been created and added to this section.
12. Section 302.02, Permitted Uses, Conditionally Permitted Uses and Accessory Uses, is a new section. It is replacing the permitted use lists in Sections 310.01, 311.01, 315.01, 316.01 and 317.01 of the current zoning resolution. The permitted uses listed in these sections have also been replaced with generalized categories. For example, bookstores, drug stores, department stores were listed as individual uses, now they should fall under Retail Stores. Many of the new uses listed do not have definitions, so it is difficult to know if it is a Retail Business. The language allowing all uses in the previous district into the next district has been eliminated. This resolution no longer allows Pyramid Zoning.
13. Section 302.03, Area, Setback, and Height Regulations, is a new section. It is taking all the lot and building requirements in Sections 310, 311, 315, 316, and 317 of the current regulations and putting them into a table format.
14. Section 302.03, Area, Setback, and Height Regulations, has some revisions. The minimum lot size has been increased to 44,000 square feet from ½ of an acre. The front setback has been increased from 50 feet to 70 feet in the I-3 district. Building height in I-1, I-2 and I-3 was 35 feet; 45 feet with a conditional use. Now 45 feet is the permitted height.
15. Section 302.04, Special Provisions Applicable to Commercial and Industrial, are restrictions on Rear Lots, Roadside Stands or Farm Markets, Gasoline Pumps, Display of goods and a Transition Buffer that appear in Sections 310, 311, 315, 316, and 317 of the current regulations.
16. Section 302.05, Environment Performance Standards, is language that is currently known as Section 400, Environment Performance Standards, of the current zoning resolution.
17. Section 302.06, Health Care Facilities, is language known as Section 310.04, Health Care Facilities, of the current resolution. There is one small change. The new text requires a health care facility to be served by public water. This was not a requirement previously.
18. Section 302.07, Adult Uses, is a new section. This is allowing them as a permitted use in a I-3 and regulating the location of them through setbacks from schools, churches, and parks. This use can be approved administratively by the Zoning Inspector.
19. Section 303, Continuing Care Overlay District, is language known as Section 318, Continuing Care Overlay District, in the current zoning resolution.
20. Section 304, Planned Unit Development (PUD) Districts, is language currently known as Section 307, Planned Unit Development (PUD) Districts, in the current zoning resolution.

STAFF RECOMMENDATION

1. Changing the name of R to SR and B to B-1 may require a district change on the map. This may require a public hearing and public notice.

2. In Section 300.01 and in Section 301.02, the districts are listed ER-1, ER-2, ER-3. In Section 301.01, the districts are listed as ER-3, ER-2 ER-1. The districts should be kept in the same order throughout the text.
3. A footnote should be made on the permitted use chart on 301.02 that open space developments are permitted with approval of the trustees.
4. In Section 301.02, the Township should consider allowing recreation camps in the Lakeshore Residential District.
5. In Section 301.02, the Township should consider allowing Private Recreation as a conditional use in all districts.
6. In Section 301.02 the zoning text should reference the 2008 Ohio School Design Manual (OSDM), not state curriculum standards.
7. In Section 301.02, are Wind Turbine Energy Devices meant to be Conditional Permitted or conditional accessory uses? Currently they are conditionally permitted, so they could be considered a main structure. Does Perry want to allow these uses by themselves?
8. Section 301.03, reduced the frontage requirement for ER-3 to 150 feet from 200 feet, but left the lot width at 200 feet. Staff recommends that the frontage of ER-3 should remain 200 feet.
9. Section 301.03, Staff recommends adding foot note (c) to ER-1, ER-2 and ER-3 minimum front setback for main structure and on the corner lot requirement. Land along Lane Road may be rezoned to ER-1, ER-2, ER-3 in the future.
10. Section 301.03 and Section 302.03, staff recommends continuing to use the term safety separation instead of minimum setback from gas or oil well. The term ties in better for health and safety.
11. Section 301.04 B, Road Side Stands: The Township should research this section to make sure this section is in conformance with ORC 519.21 C. ORC 519.21 C only requires 50% of the gross income of farmers markets to come from product grown on site. The requirement that sale of agricultural products be produced on the premises may not be in conformance with State Law.
12. Section 301.04 C (4). Any home occupation will increase the traffic of the neighborhood.
13. Section 301.04 D, Open Space Development. There is no incentive to use Open Space Development when you can get the same amount of units on the property if you develop as a conventional subdivision. The Township should review this section to see if they want to keep it.
14. Section 302.02, use the term Dwelling, Single-Family Detached instead of Single Family Dwelling. This is the term that is defined in the definitions section 700 and it would eliminate any challenges made by property owners wanting to do Dwelling, Single-Family Attached.
15. Define all new use categories.

16. Section 302.02. Please use "Print or Publishing", "Heavy Manufacturing, Processing Fabrication or Assembly", "Storage of Fireworks or Explosives". The Term "and" requires all elements to be present.
17. Section 302.02. Nurseries could be considered agriculture and zoning resolution may not be able to regulate them.
18. Section 302.03. 44,000 sq. ft. equals 1.0101 Acres. Why 44,000 sq. ft. instead of one acre?
19. Section 302.03. A footnote should be added to lot size that states that lot size shall conform to 302.04(A).
20. Section 302.03. Are single-family homes that are permitted in B-1 going to be required to have a minimum lot size of 44,000 sq. ft?
21. Section 302.03. Staff recommends adding footnote (A) to B-2, I-2 and I-3 minimum front setback for main structure and on the corner lot requirement. Land along Lane Road may be rezoned to B-2, I-2, or I-3 in the future.
22. Section 302.03. The front setback for I-3 is 70 feet and the corner setback is 50 feet. These two setbacks should be equal.
23. Section 302.03. A side yard setback on side that is adjacent to residential is 100 feet while a rear line setback adjacent to residential is only 25 feet. When adjoining residential, the setbacks should be 100 feet.
24. Section 302.04 B, Road Side Stands: The Township should research this section to make sure this section is in conformance with ORC 519.21 C. ORC 519.21 C only requires 50% of the gross income of farmers markets to come from product grown on site. The requirement that the sale of agricultural products produced on the premises may not be in conformance with State Law.
25. Section 302.04 E, Transition Buffer, there is no requirement on not allowing structures or parking in the transition buffer. Are structures and parking allowed in the transition buffer?
26. Perry has a Joint Fire District Chief, not a township fire chief. The zoning resolution should reflect this fact.
27. Section 302.07, the Township may adopt a zoning resolution "in the interest of the public health and safety" (519.02). Morals were eliminated in 2005, so morals should be removed from 302.07 A.
28. Section 302.07 C (1) has the terms church, synagogue, temple or other place used primarily for religious worship, while Sections 301.02 and 302.02 uses the term places of worship. Please use one term.
29. Section 302.07 C. Please consider not allowing an adult business within 500 feet of a residentially zoned district and 500 feet of a day care center.

30. Section 302.07, Adult Uses, could also address parking and signs for the use. It could also be done as a conditional use approved by the BZA.
31. Section 303.03, Continuing Care Overlay. This district was established using ORC 519.021, Planned Unit Development Regulations. It should be added to Section 304.
32. Section 303.03 A (2), Health Care Facilities is in conformance with Section 302.06, not 310.04.
33. Sections 303.05 F and 303.05 G, 303.05 H (1) and 303.05 Q have wrong section references. F should be 303.05 A (3) not 318.05(A)(3), G should be 303.05 (C) not 318.05(C), H (1) should be 302.04 (E), not 316.13 and 303.05 Q should be 302.06 (C) (7) not 310.04.
34. Sections 303.05 K and 304.05 F, Architectural Design Standards. ORC 519.02 allows the Township to establish reasonable landscape and architectural standards excluding exterior building materials. Stating that exposed foundation shall be covered with brick, stone, or other materials approved by the Township may not comply with ORC 519.02.
35. Section 303.05 Q. A child day care is referenced and it is not permitted use in CCOD.
36. Section 304.04 A (1) (iv), Permitted Uses. Public Facilities should be defined.
37. Section 304.04 A (2), Conditional Permitted Uses. Places of Worship should be allowed because schools are allowed. This would be consistent with RLUIPA.
38. Sections 304.04 A (3)(V) and B (2)(V) have wrong section references. Both reference 301.01(d) and it should be 301.04(C).
39. Section 304.06 D, Setbacks and Separation. Single Family Planned Unit Development may be on individual lots *if the lots are divided in accordance with 711.05, 711.09, 711.10, 711.131 or 711.133...*
40. Section 304.08, Application Requirements and Procedures, has wrong section references. Application filed under Section 205 should read, "application filed under Section 208". A general development plan is Section 304.09 C, not 307.09 (c).
41. Section 304.12, Fees and Deposits. 304.12 C requires that funds should be deposited with the Township for inspections prior to start of construction. The County Engineer and the Sanitary Engineer require this same action for roads, storm sewers, sanitary sewers and/or waterlines. The Township should state which improvements they are inspecting.

AMENDMENT SUMMARY SECTION 400

1. Section 401.01, General Standards (for Fences and Hedges), is language that is known as Section 404.01, General Standards, in the current resolution.
2. Section 401.02, Fences in Residential Districts, is the language that is known as Section 404.02, Fences in Residential Districts, in the current zoning resolution.
3. Section 401.03, Fences in Commercial and Industrial Districts, is a revision of the language that is currently known as Section 404.03, Fences in Commercial and Industrial Districts, in the current zoning resolution. The reference to the site plan review section has been removed.

4. Section 402.01, Construction Trailers in Commercial and Industrial Districts, is a new section. This section allows construction trailers on a temporary basis with the issuance of a zoning permit and requires them to be removed when construction is completed.
5. Section 402.02, Construction Trailers in Residential Districts, is a new section. This section allows construction trailers on a temporary basis with the issuance of a zoning permit and requires them to be removed when construction is completed.
6. Section 403.01, Location (of swimming pools), is a revision of Section 412.01, Location, in the current zoning resolution. The new regulation does not require a fifty-foot setback from multi-family projects for a swimming pool.
7. Section 403.02, Fencing Required (for swimming pools), is a revision of Section 412.02, Fencing Required, in the current zoning resolution. Language requiring compliance with the fencing, Section 401, in the new resolution and Section 404 in the current zoning resolution has been removed.
8. Section 404, Satellite Dishes, replaces Section 411, Signal Receiving and Transmitting Devices, in the current resolution. The new regulations are only applicable to dishes that are in excess of 40 inches. All location, height, maximum width, etc. have been removed.
9. Section 405, Riparian Setbacks, has no changes.
10. Section 406, Wireless Telecommunications Facilities and/or Towers, is a new section. This section requires a conditional use for any facility, including adding a new provider on an existing tower in a residential district and exempts commercial and industrial zones. The language is based on language that is currently in Section 213.11, Conditional Use for Wireless Telecommunications Facilities. It also provides an application requirement and process.
11. Section 407, Water Quality and Erosion and Sedimentation Control, has no changes.
12. Section 408.02, Required Parking Spaces, is a revision of Section 408.03, Parking Spaces Required, in the current zoning resolution. Proposed permitted uses with standards have been added and new standards were added to restaurants and coffee shops. Auto sales, auto repair, shopping center and industrial/manufacturing uses were removed along with the parking standards.
13. Section 408.02, Parking Space Dimensions, had no changes.
14. Section 408.03, Design of Parking Lots, is a revision of Section 408.05, Design of Parking Areas, in the current zoning resolution. The only addition is requiring all driveway aisles to have a pavement width of 22 feet.
15. Section 408.04, Parking in Residential Districts, is a revision of Section 408.06, Parking in Residential Districts in the current zoning resolution. The first sentence of the current regulation has been moved to the end in the proposed regulation.
16. Section 409.01, Purpose and Intent (of signs), has not been changed.
17. Section 409.02, Compliance Required (for signs), has not been changed.
18. Section 409.03, Zoning Permit Required (for signs), has not been changed.
19. Section 409.04, Zoning Permit Exceptions, has not been changed.

20. Section 409.05 A through K, General Requirements, has not been changed.
21. Section 409.05 L, Electronic Changeable Copy Signs, is a new section. This section gives standards for the new type of sign.
22. Section 409.06, Nonconforming Signs, has not changed.
23. Section 409.07, Signs permitted in Residential Districts, is a revision of Section 409.07, Signs permitted in Residential Districts in the current zoning resolution. All the standards listed in paragraph format have been converted into a table format. Maximum height, front setback and side setbacks have been added for sale/rent/opinion signs.
24. Section 409.08, Signs permitted in Commercial Districts, is a revision of Section 409.08 B, Signs permitted in Residential Districts in the current zoning resolution. All the standards listed in paragraph format have been converted into a table format. Maximum height, front setback and side setbacks have been added for Sale/Rent/Opinion signs. Shopping Centers would only be allowed to have one sign, currently shopping centers are allowed two signs if they have enough frontage.
25. Section 409.09, Signs permitted in Industrial Districts, is a revision of Section 409.09, Signs permitted in Residential Districts in the current zoning resolution. All the standards listed in paragraph format have been converted into a table format. Maximum height, front setback and side setbacks have been added for Sale/Rent/Opinion signs.

Language Removed:

1. Section 401, Agriculture, in the current regulations is being removed. This section stated that agriculture was exempted from zoning.
2. Section 403, Cable Television Permit, is being removed. This section required any cable television company wishing to provide service in Perry Township to obtain a permit from the Township.
3. Section 408.01, Off Street Parking Required, in the current zoning resolution is being removed.
4. Section 408.04 was deleted, but the standards listed in this section were moved to 302.03.
5. Section 409.08 A, Area of Signs, has been removed.

STAFF RECOMMENDATION

1. Section 401.02 A and B, state the same requirement that any fence within the front setback could not exceed 42 inches. These two sections should be combined.
2. Section 401.02, Fences in Residential Districts, does not have height restrictions or setback requirements for fences.
3. Section 402.01, Construction Trailers in Commercial and Industrial Districts, should require setbacks for the trailers.
4. Section 402.02, Construction Trailers in Residential Districts, should require setbacks for the trailers. Standards should also be included in the Conditional Use Section.
5. Section 404, Satellite Dishes, standards should also be included in the Conditional Use Section.

6. Section 406.03, Application Requirements (for Wireless Telecommunications), should have standards for setbacks, location, fencing, etc.
7. Section 407.02 B, has the reference of "approved by village". Village should be changed to Township.
8. Section 408.01, Required Parking Space Table. Please make sure that all permitted uses in Sections 301.02 and 302.02, definitions in Section 700 and uses listed in this table are all consistent with one another. For example, parking table lists Day Care Center and the permitted use is Adult or Child Day Care Center. Single-Family Dwelling is listed in the Parking Table, but the definition is Dwelling, Single-Family Detached.
9. Add Dwelling, Single-Family Attached, Public Parks, Recreational Facilities, Public Service Facilities, Sand Gravel and Earth Removal, Grocery Stores, Food Stores, Dry Cleaners, Contractor's Yards, Photo and Art Studio, Dance Studio, Printing or Publishing, Processing of Fuels, and Adult Business to the list of uses on the Parking Table and add standards for them.
10. Putting size limitations and limits on the number of sale/rent/opinion signs may be a violation of freedom of speech. Please have your legal advisor take a look at this issue.
11. The opening paragraph references "R" as one of the districts in which the regulations would be administered. The district name was change to "SR", so this reference needs to be changed.
12. Add the following language to footnote (e) of section 409.07: During construction or reconstruction of a building *if a valid building permit has been obtained*.
13. In Section 409.08, free standing signs should be required to have a 10-foot setback off the 100-foot transition buffer.

AMENDMENT SUMMARY SECTION 500 CONDITIONALLY PERMITTED USES

1. Section 500, Conditionally Permitted Uses, is a new section that replaces Section 213, Conditional Uses, in the current zoning resolution.
2. Section 500.01, Purpose, is a new section. This gives direction to the new Conditional Permitted Uses section.
3. Section 500.02, Application, is a new section. This section states how to apply for a conditional use and how it is processed and approved.
4. Section 500.03, Notice and Hearing, is a new section. This section states how much notice is needed prior to a hearing and where to post the notice. This is per ORC 519.15.
5. Section 500.04, Basis of Determination, is a new section. This section states that the BZA will follow the standards in the resolution when approving the conditional use. They are allowed to add conditions and safeguards to ensure general welfare. They are also allowed to obtain professional assistance in making a decision and the professional assistance will be paid for by the applicant.

6. Section 500.05, Termination, is a new section. This requires that work must commence within one year of issuing of the conditional use.
7. Section 500.06, Violations and Revocation, is a new section. This gives the Zoning Inspector the power to require a conditional use back into compliance. Failure to come into compliance would be deemed a violation of the zoning resolution.
8. Section 500.07, Reapplication, is a new section. This requires any conditional use that was denied to wait one year prior to resubmission for approval.
9. Section 500.08, General Standards for all Conditionally Permitted Uses, is a revision of the standards listed in Section 213.10, Standards in the current zoning resolution.
 - o Standards listed in 500.08 A through E, and I are standards that are listed in Section 213.10, A through E and I.
 - o Standards listed in 500.08 F and K are revisions of standards listed in Section 213.10 F and H. They were rewritten to be in the positive.
 - o Standards listed 500.08 G, H and J are new standards. These standards require conditional uses to be in compliance with the zoning resolution, any state or county regulations, give consideration to the topography of the site and minimize the removal of trees.
10. Section 500.09 A, Standards for Similar Use, is replacing Sections 213.04, Similar Uses in Business and Commercial, and Section 213.05, Similar Uses in Light Industry. This section allows the BZA to determine similar uses and standards on which they should be judged.
11. Section 500.09 B, Sand, Gravel and Earth Removal, gives the conditions for this use.
12. Section 500.09 C, Recreation Camps, gives the conditions for this use. These conditions are the same conditions as Section 213.03 of the current zoning resolution.
13. Section 500.09 D, Vehicle, Machinery and Equipment Sales, Rental, Service and Repair, gives the conditions for this use.
14. Section 500.09 E, Bed and Breakfasts, gives the conditions for this use. These standards are currently listed as Section 213.13, in the current zoning resolution.
15. Section 500.09 F, Wireless Telecommunications Facilities, gives the conditions for this use. These standards are replacing Section 213.11 in the current regulations.
16. Section 500.09 G, Wind Turbines, gives the conditions for this use. These are new standards.

Language Removed

1. Standards for junkyard, house trailers, heavy industry, rubble, and auto body shops were removed.

STAFF RECOMMENDATION

1. The zoning permit requires that construction start within one year and be completed within two years. This same requirement should be included in Section 500.08. Also provide an extension process.

2. ORC 519.19 gives an owner a two-year period to stop a use and then restart it if it is non-conforming. The Township should follow the same standard for conditional use and change the period from one year to two years in Section 500.05.
3. The Conditions for Sand, Gravel, and Earth Removal may not be in compliance with ORC 519.141. Please review this section.
4. Currently, wind turbines would be a conditional permitted use, which would let it be done without another structure on the property. Does the Township wish to allow this use as a conditional permitted use?
5. Conditions must be created for Colleges, Museums, Libraries and Places of Worship.
6. Standards for junkyard, house trailers, heavy industry, rubble, and auto body shops should be returned to the zoning resolution.

AMENDMENT SUMMARY SECTION 600 NONCONFORMING USES, STRUCTURES, AND LOTS

1. Section 600, Non-Conforming Uses, Structures, and Lots, is a new section that replaces Section 402, Non-Conforming Uses, in the current zoning resolution.
2. Section 600.01, Purpose, is a new section. This gives direction to the new Non-Conforming Uses, Structures, and Lots Section.
3. Section 600.02, Nonconforming Uses replaces Sections 402.03, Reconstruction, and 402.04, Alteration in the current zoning resolution. This section states how it is legal to continue with lawful nonconforming uses, how they are discontinued or abandoned, and the enlargement of a non-conforming use. The use can be enlarged to a total area not to exceed 20% more than the existing area of the use. This is an increase from the current 10%. The regulations state that a structure or use can be restored as long as not more than 75% of the structure has been destroyed or it is done within two years. The regulations state that repairs and maintenance need to be done in order to keep their status.
4. Section 600.04, Nonconforming Lots, is a new section. It gives definition of what is and what is not a non-conforming lot.

Language Removed

1. Section 402.02, Completion, has been removed. This section stated that anything started prior to the change could be completed as a non-conforming structure.

STAFF RECOMMENDATION

1. Add the following language to Section 600.04, Nonconforming Lots: ...then the lot may be used as if its area, *width*, and *frontage* were conforming.

AMENDMENT SUMMARY SECTION 700

Definitions Added:

Adult Use – an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center. Adult use shall include any commercial establishment with forty percent (40%) or more of its stock in trade measured as a percentage of display area, floor area, or of gross receipts consisting of adult oriented materials or activities.

Building, Principal - A building in which is conducted the main or principal use of the lot on which said building is situated.

Dwelling, Single-Family Detached - A building designed for or used exclusively for residence purposes by a single housekeeping unit.

Dwelling, Single-Family Attached - Dwelling units that are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

Dwelling Unit - A room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities.

Floor Area, Livable - The sum of the net areas customarily used as living space. The following are excluded from the calculation of the livable floor area of a dwelling: basements, non-habitable attics, garages, and unenclosed spaces such as covered exterior steps, porches and breezeways.

Floor Area, Livable - The sum of the net areas customarily used as living space. The following are excluded from the calculation of the livable floor area of a dwelling: basements, non-habitable attics, garages, and unenclosed spaces such as covered exterior steps, porches and breezeways.

Light Manufacturing, Fabrication and Assembly - means industrial type uses which may include the design, assembly, processing, creation, formation, production, or construction of products and equipment from previously manufactured components, where such operations conform to the requirements of Section 302.05 hereof, but shall not include any operations that involve the reduction, refining, heat treatment, or chemical conversion of primary raw materials, or the manufacture and/or distribution of asphalt, concrete, or fuel.

Personal Service - Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

Satellite Dish - a device of any size, shape or description, designed for the purpose of receiving microwave transmission directly from satellites.

Language Removed:

Apartment Building - a building containing no less than three (3) and no more than eight (8) dwelling units, with each unit attached by a party wall, serviced by common utilities, and owned by a common owner.

Hospice Center - a residence or building equipped and staffed to provide care for the terminally ill.

Sanitarium - an institution equipped and staffed to provide care for invalids or convalescents.

Satellite Earth Station - a device of any size, shape or description, designed for the purpose of receiving microwave transmission directly from satellites.

Definitions Needed:

Places of Worship
Sand, Gravel and Earth Removal
College,
University,
Public Library
Museum
Township Cemeteries
Service Facilities
Public Parks
Playgrounds
Recreational Facilities
Recreation Camp
Private Recreational Facilities
Public or Private Schools
Roadside Stands
Farm Markets
Bed and Breakfasts
Wind Turbine Energy Devices
Accessory Buildings
Swimming Pools
Offices
Medical Offices
Personal Services
Retail Stores
Banks
Financial Services
Restaurants
Coffee Shops
Public Service Facilities
Child Day Care Facilities
Adult Day Care Facilities
Vehicle, Machinery, and Equipment, Sales, Rental, Service and Repair
Commercial Recreation
Entertainment Facilities
Wholesale Business
Hardware,
Building Supply Stores
Lumber Yards
Grocery Stores
Food Stores
Dry Cleaners
Laundries
Gasoline Stations
Gymnasiums, Athletic Facilities,
Fitness Centers and Health Spas

STAFF RECOMMENDATION

- Define all permitted, conditional and accessory uses.

Land Use and Zoning recommended a size limit be omitted from the need to have a professional site plan submitted for sheds, the one-year term for an alternate would be too short, and The following recommendations were made by the Planning Commission members to be exceptionally important in those listed above:

1. The words "safety" separations or "safety" setback should be used rather than minimum setbacks for existing gas or oil wells, storage tanks or separator units in Sections 301.03 and 302.03. The setbacks from an existing gas well should be increased for a new structure to maximize public health and safety.
2. Conditional uses – time extensions should be included in the language.
3. Accessory buildings – set a reasonable size limit for sheds without the requirement of a professionally drawn site plan.

Mr. Schaedlich moved to accept the recommendations of the Land Use and Zoning Committee, the staff reports and the three items of information developed by this Board which will be sent to Perry Township for consideration concerning the proposed zoning text amendments. Mr. Smith seconded the motion.

Mr. Schaedlich added to his motion that the Township should also be instructed to submit at least two copies of the new document to the office when it is adopted. Mr. Smith seconded the addition to the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

There were no reports given.

CORRESPONDENCE

ODNR Response to Gas and Oil Drilling Regulations Legislation Request

Dr. Sean D. Logan, Director of the Ohio Department of Natural Resources (ODNR) responded on June 24, 2009, to the letter mailed by the Planning Commission to Ohio Governor, Ted Strickland, asking for support of legislation that would include the six steps to public safety as advocated by the Northeast Ohio Oil and Gas Accountability Project (NEOGAP). ODNR plans to propose legislation that will establish new fees and increase existing fees to more than double funding for the Division of Mineral Resources Management. In addition to increasing revenues, ODNR stated the amendments they were proposing will substantially improve protections provided for citizens of Ohio, while continuing to allow development of oil and gas resources within the state.

Ohio and Gas Well Drilling Public Forum

Ms. Pesec thanked the staff for putting together the public forum on oil and gas well drilling on Thursday, June 18, 2009, from 6-8:00 p.m. held at the Morley Library in Painesville. Mr. Schaedlich said there was a lot of good information shared.

NE Ohio Planning & Zoning Meeting

The members also thanked the staff for holding the annual planning and zoning meeting on June 5, 2009 at the Holiday Inn-LaMalfa in Mentor. Mr. Radachy reported there were 123 people registered and 155 attended in total. There were a number of good responses about the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Due to staff vacations and the knowledge that there will be at least one zoning case from Concord Township, Mr. Boyd asked for approval to reschedule the Planning Commission meeting from Tuesday, July 28, 2009 to Thursday, July 23, 2009 and the Land Use and Zoning meeting to Tuesday, July 21, 2009.

Mr. Adams moved to accept the change of dates of the Planning Commission meeting to Thursday, July 23, 2009 and the Land Use and Zoning Committee meeting to Tuesday, July 21, 2009. Mr. Brotzman seconded the motion.

Eight voted "Aye".
One voted "No".

ADJOURNMENT

Mr. Schaedlich moved to adjourn the meeting of June 30, 2009 and Mr. Klco seconded the motion.

All voted "Aye".

The meeting adjourned at 8:15 p.m.